P.E 100 of 94

G. R. S. IX-5]

Previous references. 1894-95

192

(L.R)

File No. 122 of 94

Serial Nos. 1—5

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1—5

Major ~~Part B~~ for June 1895

SUBJECT.

Appeal of Gonawanna regarding the boundaries of Kaggalodu and Devundara Hinkan, Sira Palak.

WD 2233—GPB—20,000—11-6

Submitted to the Commissioner

Stamp deficient

24 days out of time -

by Endorsing that the

Lay lies to the fact that

applied for the copy in

the Commrs Court and

the Commrs told

it was the Collr would be

in the records had been

sent to the Taluk Cutchery

& lead to go there & get a copy.

Date of decision 22-11-94

Petr's application for the Collr } 16-2-95

Collr's order Petr should apply in the Taluk Cutchery } 15-2-95

Date of application in the Taluk Cutchery } 21-2-95

Date when read } 26-2-95

Even if the period between 7th & 26th Feb (both days inclusive) be excluded the appeal would be 17 days out of time

2/4 Submit with papers for perusal & orders

9/2 Perused orders

Drafted JLH 9/4

6.4.95

Gen. Serial No. 32.]

1895

No. 2422

Name of Petitioner. Lowramma by Mr D Venkabramma advocate

Village. }
Taluk. } Bangalore
District. }

Date of Arzi. 17-3-95

Date of Receipt. 22-3-95

Date of Disposal —

No. of Enclosures. 36-1

L.R. 122-95

ABSTRACT.

Appeals against the Tumkur deputy Commrs order dismissing her appeal for the recovery of the Shanbog of Kaggaladu and Devarhalli of which her husband was the registered Shanbogs, on the ground that though a partition had been effected between the Respondent and his brothers, the Offices in question was were not divided but was held as common property.

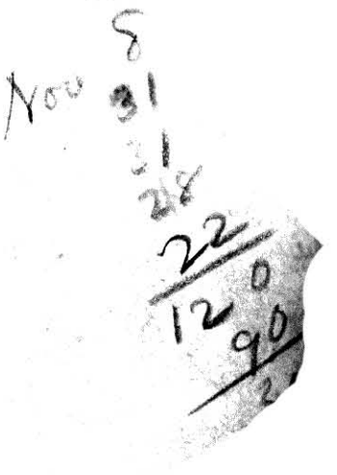
The grounds of appeal are 1. That the lower Court erred in holding that a divided brother has a

preferential claim to the Shanbogs Office, to those of the widow.

2. That the appellant lost not only her right to the Office, but also the means of livelihood

3 That the decision is against standing orders

(The judgment against which she appeals is in English)



Appeal No. 134 of 1894-95

Appellant:
Gonnamma

Respondent:
Venkappa.

Appeal about the Standing of Liggaida and Dinadalli Fields in the Sirsi Taluk.

List of papers.

(1) Dy Comrs letter
(2) Official Memorandum calling for proceedings
(3) Appeal petition with abstract
(4) Dy Comrs judgment & decree
(5) Appellants' petition to Dy Comrs 4.2.95
(6) Assist Comrs judgment & decree
(7) Genealogical table.

The Appellant has preferred this appeal from the decree passed by the Assistant Commissioner of Sirsi in a suit brought by the respondent for declaration of his hereditary right to the Liggaida and Dinadalli fields. The suit was dismissed by the Assistant Commissioner on the ground that the plaintiff's family had been divided more than 12 years before the suit was brought, and that consequently his right to the fields had been extinguished by limitation. The Dy Commissioner has reversed the decree of the Assistant Commissioner and has decreed the plaintiff's claim. The defendant has appealed to this Court.

Prepare a draft statement of facts — Issues

Prepared 13/6

11-6-95

(5)

Posted to 21st May
Give notice to both
parties. Vide letter
of appeal
21/20/4

(3)

Gen. Serial No. 31.]

1895 — 14027.

Pet 572

From The Deputy Commissioner
Tumkur District

To The Chief Secretary to the
Govt. of Mysore

Dated 16th April 1895.

Despatched

Received

Enclosures No. 4 + record

General No.

No. 894

L.R. 122-94-3

His offl: Memo: No. Dtd 1899
of the 6th " instant

—a—

Submitting the entire proceedings connected with revenue appeal case No. 8 of 1894-95 on the file of this Court regarding the Shanbog-ship of Raggaladu Davarahalli Circle in the Sira Taluk.

Peter
19.4.95.

Rec'd
20/4

Appeal upheld
Costs Rs 5
21/4/95

(6)

No: 894
4+ encl

Tumkur district
Deputy Commissioner's office
Tumkur 16th April 1895.

To

The Chief Secretary to the
Government of Mysore

Sir,

As required in your official Memorandum No: Ort 1399 of the 6th instant, I have the honor to submit herewith the entire proceedings connected with revenue appeal case No: 8 of 1894-95 on the file of this Court, regarding the Shanbog ship of Kaggalodu Devarahalli circle in the Sira Taluk.

2. The enclosures of the official Memorandum under reply are herewith returned.

3. In the memo of appeal it has been stated that the delay in preferring the appeal

Pet
1399
99

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM

The accompanying Petition No. 1422

dated 17. 3. 90 received at the Dewan's Office from [illegible]

is forwarded, together with its [illegible]

enclosures, to the [illegible]

By Order,

Chief Secretary.

BANGALORE,
13/4/1890

M.G.C.P.E.—19-2-95—1,000

is owing to the delay in furnishing
Chief. This is not correct: The Judgment
of this Court was passed on the 22nd
November 89. On the 4th February, 895
the Appellant asked for the return
of the Copies of the Judgment and
decree of the Court of first instance
produced with the appeal Memo
presented to this Court. The very follow-
ing day i.e. on the 5th February, 895
reply was given that they had as
usual been attached to the record
and that the record had been sent
to the Auditor. Further those Copies
were not returnable. On the 2d of
February 1895 Copies of the Judgment
and decree of this Court were applied
for and they were prepared by the 3rd
February 895 but the applicant took
them on the 28th February 1895.

I have the honor to be
Sir,
Your most obedient Servant

Deputy Commissioner
Lunkar District

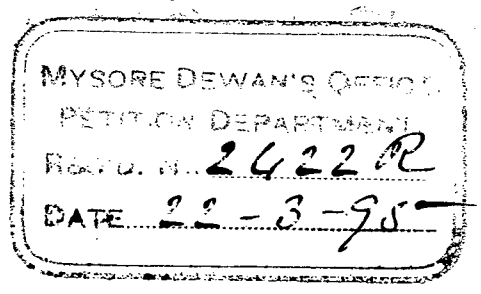
No 2422 Rec'd 3 Feb 95

2-7-95

Presented by
Mr Venkatramaiah
clerk 4-2-95
Petitioner

MYSORE COURT FEE

C.S. No 134 of 1894-95.



To the Government of Mysore

Bangalore.

Revenue Appeal No. of 1894-95

Appellant vs Respondent

Gowramma Venkappa

The appellant Gowramma above named most respectfully begs to prefer an appeal against the decision of the Deputy Commissioner of Tumkur in O.A. No. 8/94-95 for the following reasons:—

21

Reasons :— 5

1. That the Lower Court erred in holding that a divided brother has a preferential claim to the Shanbogue office to those of the widow.

2. That the appellant has not only lost her right to the office but also lost the only means of her subsistence.

3. That the decision is against the standing orders.

For these reasons the appellant prays that the Decree of the Lower Court may be set aside.

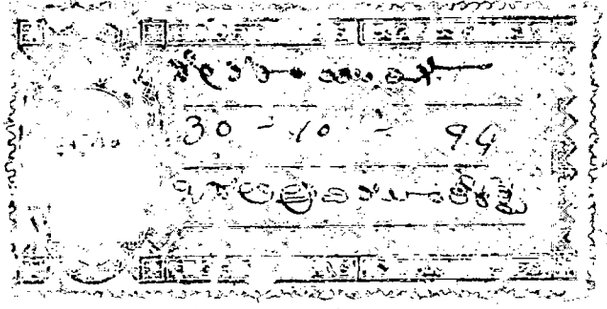
D Venkatramanayya
Advt. for appt

Note

The delay in filing the appeal is due to the appellant not having been furnished with the copies as the accompanying application of hers for the return shows. As the appellant has to go from place to place she prays therefore that the delay in filing the appeal be excused.

Bangalore
17th March 1895

D Venkatramanayya
Advt. for appt



6(6)

In the Court of the Treasury Assistant
Commissioner Tumkur

Dated 4th October 1894

Present B. J. Kumaraswami Naik Esqr

Revenue case nos 5 of 1894-95

Plaintiff
Venkappa

Defendant
Govinda

Judgment

The suit was to recover possession of the Shanbogue office of Kaglaru and Devarhalli Firkhas Sira Taluk

2. The facts alleged by the Plaintiff are as follow

That the Plaintiff, the defendant's husband Irigappa, Chick Suttappa and Doddsuttappa are sons of the same parents

that

that about Eighteen or twenty years ago,
the brothers divided the whole of their
joint family property. Except the Shanbogue
hak, that the Shanboguship of the Kaylada
Pirkha has been hereditarily held by the
Plaintiff's family, that Rangamma alias
Dod Puttakka who was appointed as Registrar
died fourteen years ago without any male
issues and Chick Puttappa is said to
have also died twelve years ago leaving
no issue behind. That after the demise
of Dod Puttappa, the Shanboguship was
held by Gundappa, Lakamakka wife
of Dod Puttappa being allowed a moiety
of the Profits for her maintenance.
That the Shanboguship of Devanhalli
Pirkha, holding one Sabelanna share of the

Coins of the Plaintiff has also transferred
to the Defendant's husband Amallappa
that Amallappa died a year ago leaving
no issues that the Plaintiff is the only
heir to him that the Defendant shall
only be entitled to the deceased Amallappa's
other property and not to be called an
heir to the Shanbogueship that as the
Shanbogueship of the village Jirkha
had not divided and as it was being
held by Pillappa and Amallappa
Each in their turn on behalf of the
remaining brothers the Plaintiff is now
entitled to succeed to the said office
That for similar reason, the Plaintiff
is also entitled to succeed to the Shanbogue
office of Devanahalli Jirkha as well

That the Shanbogui office held by the Defendant's husband is not subject to the Exclusive Act of Primogeniture, as it is liable to be enjoyed by Every one of the brothers. That the Defendant is not Entitled to any claim Superior to that of Laxmamma wife of Late Subbabha, and so on ——

3. No reply statement seems to have been filed by the Defendant in this case —

4. The following witness were Examined on behalf of the Plaintiff ——

1st Venkabha 2nd Gowramma —

No Exhibits were filed for the Plaintiff —

5. No witness were Examined on behalf of the Defendant nor any Exhibits filed ~~on his behalf~~ ——

6 No issue was framed by the Subdr.
in this case.

7 The Plaintiff was represented by
Pleaders Messrs Venkatachar Rama Row
and the Defendants by Mr. Krishnaswamy
Iyer

8 Read all the records connected with
the case and heard also the arguments of
Pleaders on both sides ——

The facts of the case are these. One
Chinadayya the husband of the defendant
was registered as the Shanbogue of
Kaglada and Ramulu Pitchad
of the Sira Taluk and he died about
a year ago. The defendant being
the wife of the deceased was ordered
to be registered as the Takdar on the
miscellaneous side the latter having
left no issue behind him. The Plaintiff
who is the next natural brother of the
deceased

brothers, the former shall have no right whatever to succeed to a property left by the latter, and that, as in several instances Sonless widows have been registered as Nakairs, gumastas being appointed to look after the affairs, the plaintiff or ~~it~~ Government has no reason to disturb the present arrangement ——

Altho both the parties admit that the plaintiff and the deceased were divided long ago, the former alleges that the division was not extended to the Shanbogue hak. From the statement of the defendant, it is clear that at least the Shanbogue office of the Kaguda Tatha, descended to her husband from his brother Rangappa. If the Shanbogue hak had been divided, there

and two others were all divided
brothers, the Shanbogue has which
cannot be divided like any other
property was held in common by
all of them, that as the deceased
Nandlapur left no issues at all,
the Plaintiff shall be the next
lawful heir to succeed to the said
vacant office and that as the defendant
is a woman, she does not become entitled
in cases of this nature, to be registered
as Hackdar in preference to the
Plaintiff who is alive and know
said to possess superior claims —
The Pleader on the opposite side
Mr. Krishnaraya argued that
as the Plaintiff and the deceased
Nandlapur are admittedly divided
brothers,

deceased has brought this a regular Suit
to recover possession of the said Shanbogueship
on the ground that it possesses better
claims to succeed to the vacant office
than the defendant ——

That the Plaintiff is the younger
brother of the deceased is a fact admitted
by both the parties —— That at least
the Shanbogue office of the Kagiadu
Pirkha was being held hereditarily
by the family to which both the parties
belong is also a fact which no one denies
Evidently, the Shanbogue seat of the
Devarhulli Pirkha too seems to belong
to one of the cousins of the said family.
The argument put forward on behalf
of the Plaintiff was that although the
Plaintiff the deceased Rudrappa

d

There is no reason why it should have been allowed to be enjoyed by the Survivors brother instead of the same being transferred to Laxamiamma the wife of Rangamma alias Jodi Kattaiha, the former Registeraar - Sesir, the Defendant did not offer any Evidence to Show that the Shanbogue hak was divided like any other property among the heretires of the Plaintiff. As the right of Enjoying the hereditary office like Shanbogue and Patail in this Province is not one divisible in the same manner as other rights possessed by persons other than private properties, I think it is very likely that the Shanbogue hak in question was not

will be granted the said privilege

For the foregoing reasons I find that

the Plaintiff is in every way entitled

to be registered as Nadakkar subject

of course, to the condition of paying

out of the Pot pi an allowance suitable

for the maintenance of the defendant

The Plaintiff has agreed to give something

for the maintenance of the widow in the

written plaint filed by him ——

Having regard to the unfavourable

circumstances of the defendant, I

think a moiety of the total amount

of Pot pi received an account of the

two Pirkhad if ordered to be given

will be a suitable allowance for

her maintenance

The court therefore directs that

the

In the present case. I think under the circumstances discussed above, the defendant should not be entitled to the special consideration allowed under the rules, so long as the next lawful succesor is alive Even from point of Equity and under the Existing circumstances the defendant is Entitled to Enjoy no more than a mere allowance suitable for her maintenance, If the Defendants is allowed to be the Registered ~~co~~ owner ally a Stranger is allowed to succeed to the vacancy. If the Plaintiff is made the Registered of course making an allowance for the maintenance of the widow to which she is always entitled a Partition will

not divided among the brothers of the plaintiff. Under such circumstances, I believe the plaintiff become the next kanful heir entitled to succeed to the : vacancy caused by the death of the defendants husband.

Moreover under clause 5 of Rule XLIII of the rules framed under the Land Revenue code, it is not the rule that entries which should always be registered as Pandara in the register of claims to hereditary village offices If is mentioned in the said rule that they may be registered as Pandara in special cases a gumasta being appointed for the discharge of the duties of the office with a suitable allowance for the maintenance of the

widow

3-4

the Plaintiff & Enkappa the Reg is here
as Garden to the Vacant Srambagam
office of the Kyladu and Kerambulu
Fishes of the Sea Talai, created
owing to the death of his brother the
deceased Muddappa and that one
half of the total amount of Rs. 5 & 1 cents
by the Plaintiff on account of the said
Fishes, be Paid to the Defendant
annually and during her life time
as an allowance for her maintenance

Signed S. J. Kumaraswamy Naik
Dy Asst Commissioner

— Order —

The parties to bear their own cost —

Signed S. J. Kumaraswamy Naik
Dy Asst Commissioner

Copies

Dy Asst Commissioner

ملاحظة: يجب أن تكون الإجابة على نفس ورقة الأسئلة

الزمن: ساعتان — الدرجة النهائية: ٩٥ درجة

أجب عن الأسئلة الآتية:

١) اكتب مقالاً عن أهمية الزراعة في حياة الإنسان.

٢) ما الفرق بين الحيوانات الأليفة والحيوانات البرية؟ اذكر أمثلة.

٣) أ- ما هي أجزاء النبات؟

ب- ما وظيفة الجذور؟

٤) اشرح دورة الماء في الطبيعة.

٥) ما أسباب تلوث الهواء؟ وكيف يمكن الحد منه؟

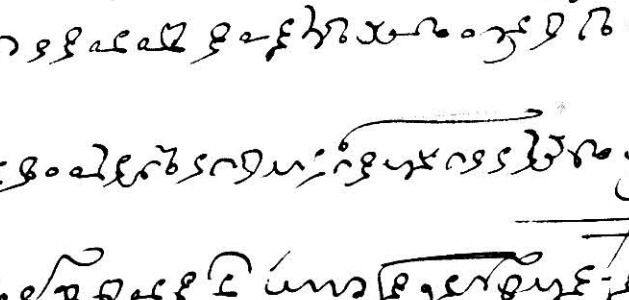
٦) اكتب عن يوم من أيام الحصاد.

٧) ما الفرق بين الشتاء والصيف؟

٨) اذكر فوائد الأشجار.

٩) ما هي الحيوانات التي تعيش في الماء؟

١٠) اكتب عن أهمية النظافة في حياتنا اليومية.



(26)

/Signed/ B. J. Kumaraswami Naik
Ty Asstt Commissioner

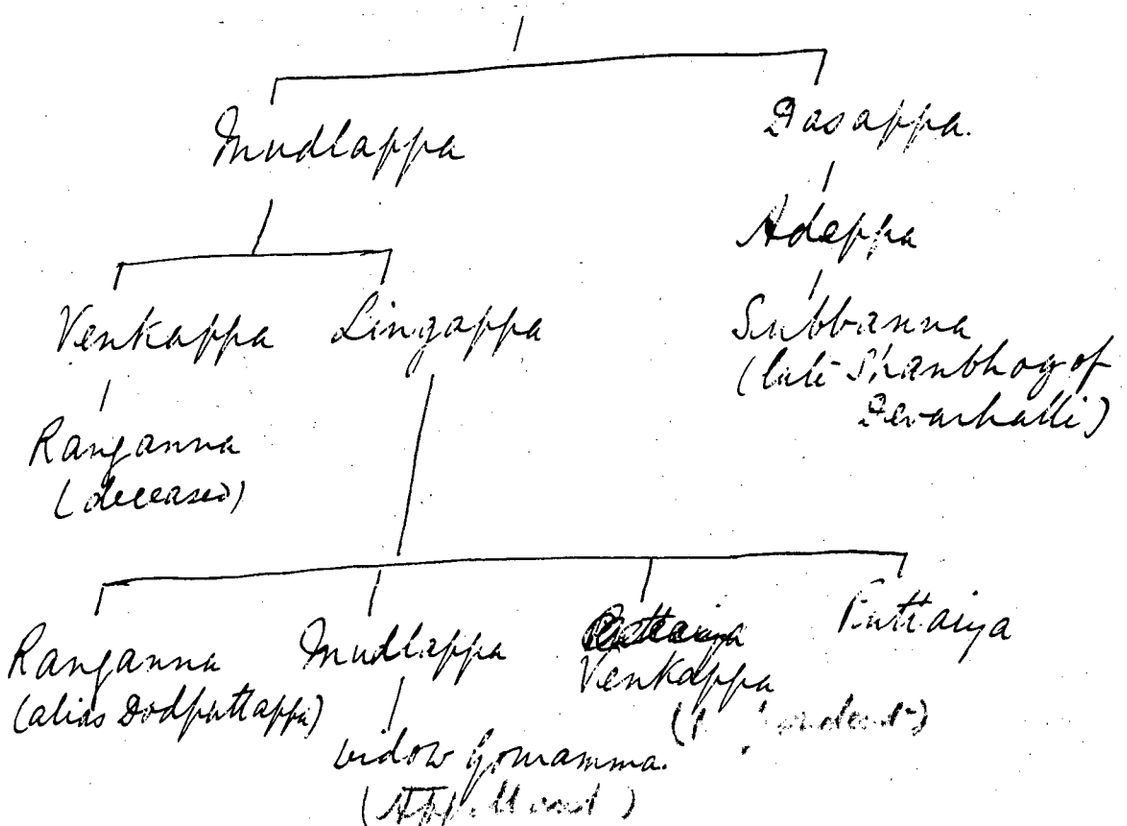
"Copy"

Ty Asstt Commissioner

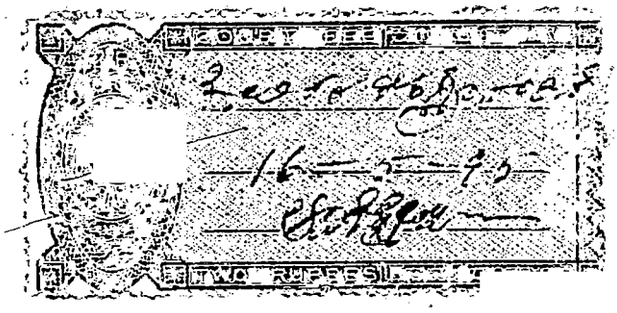
30-10-1894
2-11-1894
6-11-1894

ನಂ. ಸಿ — ೩ — ೨-೫ ಬಿ

Genealogical Table.



No. 26 (1)



Before the Govt of His Highness
the Maha Rajah of Mysore
Revenue appeal Case No 134 of 1894-95

Appellant - Government
by
Respondent - Venkatrao

I, Venkatrao, the above named Respondent
do, by these presents, retain Mr K.V. Narasimha
Iyengar, advocate, for me and in my name
to conduct the aforesaid Case
and I do hereby ratify and
confirm all legal acts done or caused to
be done by the said advocate in the said
Case, by virtue of these presents in witness
whereof I have hereunto set my hand this
16th day of May 1895.

(Signature)

accepted
K.V. Narasimha Iyengar
advocate for Respondent.

Signed before me and the
party is known to me
K.V. Narasimha Iyengar
advocate
16-5-1895.

26 (4)

Before the Government of ~~His Highness the Maharaja of~~ Mysore

Appeal No. 134 of 1894-95

Appellant.	Vs.	Respondent.
Gurumurti, represented by Mr. D. Venkatarangiah, Advocate		Venkappa, represented by Mr. K. T. Ramaswamiyar, Advocate

L. R. 122-94-4

Decision.

Respondent's brother Buddiya was the Shanbhag of Kyasanur and Omalali Fields in the Sira Taluk. On his death without issue in 1893, the office was registered in the name of his brother, the appellant. The Respondent filed a suit to recover the office, and the Assistant Commr. who tried the case directed that the Respondent should be duly registered in the office in the name of Respondent and payment of half the

Potayi to appellant annually during her life-~~time~~ for her maintenance. The Deputy Commr on appeal confirmed the Assistant Commrs judgment. Gomanma appeals against the above judgment.

The appellant has no ground for complaint. She must be satisfied with the half potayi which has been decreed to her by the Assistant Commissioner. This she is entitled to get during her life. This appeal is dismissed.

By Order

/

Revenue Secretary. 17-6-95

No. 24162
Dt. 10-6-95

Copy forwarded to the Deputy Commr Tumkur District with Mr. Lewis's petition dated 5-4-95 & 16.4.95.

By Order

Revenue Secretary.

16/6/95

Ltr 13/6
17-6-95

No.

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT,

(31)

The 189

Endorsement granted to Gowramma of Kaggalodu Sira Taluk, represented by Mr. D. Venkataramaiya.

In reply to her Petition Registered No. 2242 dated 17.3.95 appealing against the judgment of A.S. 134 Deputy Commr. of Tumkur in Rev: appeal No 8 of 94-95, regarding the Shanbhogi of Kaggalodu & Devarahalli Tankas in the Sira Taluk

Petitioner is informed that she must be satisfied with the half potagi which has been decreed to her by the Assistant Commissioner and which she is entitled to get during her life. This appeal is dismissed.

L.R. 122-94-5

The enclosures are returned

16/6/95

Draft Council order

'By Order'

Asst Secretary.

17/6/95

M.G.C.P.B—19-2-95—1,000

13/6

(5)

2422/134

By Order

2-7-95